

Janet Iverson
127 Dove Lane
Middletown, CT 06457

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Janet Iverson, LPN
Licensed Practical Nurse License No. 013026
Respondent.

CASE PETITION NO. 960220-11-004

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated March 11, 1996¹ (Department Exhibit 1-A). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Janet Iverson (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing dated April 3, 1996, scheduling a hearing for August 28, 1996 (Department Exhibit 1-A). The hearing took place on August 28, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

¹ The Statement of Charges was presented to the Board as part of a Motion for Summary Suspension on April 3, 1996. The Department's Motion for Summary Suspension was denied by the Board.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Janet Iverson, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 013026 on December 29, 1972. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-C)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1-A indicates that the Statement of Charges and Notice of Hearing were delivered to the Respondent's attorney by certified mail on April 11, 1996.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, August 28, 1996, p. 2)
4. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
5. The Respondent was employed as a licensed practical nurse at Pilgrim Manor, Cromwell, Connecticut. (Department Exhibit 1-C) (Hearing Transcript, August 28, 1996, p. 16)
6. From on or about July 1995 through on or about January 21, 1996, while working as a licensed practical nurse at Pilgrim Manor, the Respondent diverted from patient stock, for her own personal use, the controlled substances Percocet and/or Demerol. (Department Exhibits 1-C) (Respondent's Exhibit A-2) (Hearing Transcript, August 28, 1996, p. 19)

7. While working as a registered nurse at Pilgrim Manor, the Respondent accomplished the diversion of Percocet and/or Demerol by falsifying controlled substance proof of use sheets. The Respondent would document that doses of Percocet and/or Demerol were withdrawn from patient stock and administered to patients or were wasted when in fact the Respondent kept the medication for her own personal use. (Department Exhibit 1-C)
8. The Respondent began diverting Percocet and/or Demerol to supplement prescriptions for pain medication she had been receiving due to long-standing back pain. (Department Exhibit 1-C) (Hearing Transcript, August 28, 1996, pp. 19-20)
9. The Respondent has abused Percocet and/or Demerol as recently as January 1996. (Answer: Respondent's Exhibit A-1)
10. The Respondent began chemical dependency treatment at Rushford Center Inc., Middletown, Connecticut on or about February 1996. (Respondent's Exhibit A-2) Since on or about May 1996, the Respondent has been receiving individual therapy for chemical dependency. The Respondent has also been participating Narcotics Anonymous and the support group Nurses for Nurses. (Respondent's Exhibit A-2, A-3) (Hearing Transcript, August 28, 1996, p. 24-26)
11. Beginning on or about July 8, 1996, the Respondent has been employed as a licensed practical nurse at Essex Meadows, Essex, Connecticut. (Respondent's Exhibits A-4) (Hearing Transcript, August 28, 1996, pp. 14)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Janet Iverson held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that from approximately July 1995 and through approximately January 21, 1996, while working as a registered nurse at Pilgrim Manor, Cromwell, Connecticut, the Respondent:

- “a. diverted Percocet and Demerol from patient stock for her own use;
- b. failed to completely, properly and/or accurately document medical or hospital records; and/or
- c. falsified one or more Controlled Substance Receipt Records.”

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

PARAGRAPH 4 of the Statement of Charges alleges that from approximately July 1995 through approximately January 21, 1996, Respondent abused or utilized to excess, Morphine and Demerol.

The Respondent admits this charge to the extent that she abused or excessively used Demerol. The Respondent denies use or abuse of Morphine. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...(6) fraud or material deception in the course of professional services or activities....”

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in the Statement of Charges, Paragraph 3, and Paragraph 4 as it relates to Demerol, is proven and that said conduct constitutes violations §20-99(b)(2)(5) and (6) of the General Statutes of Connecticut. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

Paragraph 4 of the Statement of Charges as it relates to Morphine is dismissed due to the Department not presenting evidence to prove this allegation.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 3 and 4 of the Statement of Charges, the Respondent's licensed practical nurse license, No. 013026, is placed on probation for a period of four (4) years.
2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve the Respondent's employment or change of employment within the nursing profession.
 - B. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.

- C. If employed as a nurse, the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of January 1997.
- D. The employer reports cited in Paragraph C above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be submitted directly to the Board at the address cited in Paragraph O below.
- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent and/or her employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- G. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- H. The Respondent shall cause evaluation reports to be submitted to the Board by her therapist on a monthly basis during the first eighteen (18) months of probation and bi-monthly for the remainder of the probationary period. Therapist reports are due commencing with the report due the first business day of January 1997.
- I. The therapist reports cited in Paragraph H above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be submitted directly to the Board at the address cited in Paragraph O below.

- J. At her expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing. Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least two (2) such random alcohol/drug screen monthly during the first eighteen (18) months of the probationary period and at least one (1) random alcohol/drug screen monthly for the remainder of the probationary period.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph O below, by the Respondent's therapist, personal physician

or the testing laboratory. Reports of said random alcohol/drug screens are due on the first business day of the month, commencing with the reports due in January 1997.

- K. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. The Respondent shall not abuse and/or excessively use any drugs that are prescribed for a legitimate medical purpose.
- L. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- O. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE
410 Capitol Avenue, MS #12LEG
P. O. Box 340308
Hartford CT 06134-0308**

- 3. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has

violated this Order will subject the Respondent to sanctions under § 19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

4. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's licensed practical nurse license shall commence, on December 1, 1996.

The Board of Examiners for Nursing hereby informs the Respondent, Janet Iverson, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 20th day of November, 1996.

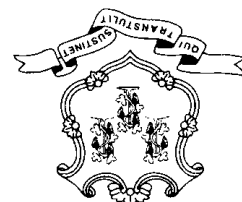
BOARD OF EXAMINERS FOR NURSING

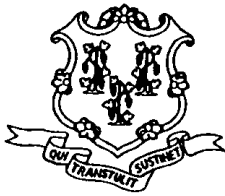
By

Janet Iverson

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STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH





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STATE OF CONNECTICUT
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DEPARTMENT OF PUBLIC HEALTH



December 11, 2000

Janet Iverson, LPN
68 Brookview Lane
Middletown, CT 06457

Re: Memorandum of Decision
Petition No. 960220-011-004
License No. 013026
[REDACTED]

Dear Ms. Iverson:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 12/1/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Please be certain to retain this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400

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